IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.166 OF 2005

Laxmi Maganlal Oza & Ors. ....Petitioners
Versus
Sarvajanik Bal Mandir School & Ors. ....Respondents

Mr.Mahendra Bajpai i/b Ashoka Law firm for the Petitioners.
Mr.T. D. Joshi with Ms.Daksha Shah for Respondent No.2.
Mr.A. D. Parab for Respondent No.4.
Ms.N. V. Masurkar for Respondent No.5.
Mr.M. M. Jadhav for Respondent Nos.3 and 6.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 19TH SEPTEMBER, 2005.

P.C. :

The Petitioner has approached this Court with a prayer that the Respondents be directed to take necessary steps for providing the basic amenities of toilets for the students studying in Respondent No.1 - School according to the rules and regulations framed for the governance of a co-educational institution under the Secondary School Code.

2. The Petitioner submits that Respondent No.1 – School is a

recognized unaided institution having teaching facility upto standard X and co-education. The Petitioner also submits that the said School is run on the ground floor of Building No.1 which accommodates almost 750 students for education and for these students there are only two toilets which are obviously inadequate.

3. Pursuant to the show cause notice issued to the Respondents, during the interregnum period Respondent Nos.1 and 2 submitted that in their own premises they have decided to provide additional three W.Cs. and two urinals. Total number of W.Cs. would now be five. They have obtained the permission from the concerned authorities for construction of three W.Cs. and two urinals.

4. We direct Respondent Nos.1 and 2 to start the construction. The learned counsel for Respondent Nos.1 and 2 submits that he would construct additional three W.Cs. and two urinals during the October break when the schools are closed from 20th October to 10th November, 2005 and all efforts will be made for newly three W.Cs. and two urinals during that period. The learned counsel for Respondent Nos.3 and 6 tendered a letter dated 13th September, 2005 addressed to Respondent No.1, the same is taken on record

and marked “X” for identification.

5. No further directions are necessary in this Writ Petition and the Petition is accordingly disposed of. In case the additional three W.Cs. and two urinals are not constructed during the interregnum period of vacation, then the Petition would be revived.

CHIEF JUSTICE

S.J. VAZIFDAR, J.